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Item 5 (i) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: effectiveness evaluation

Report on the outline, plan and elements of the effectiveness evaluation framework

Note by the secretariat

1. At its first meeting, the Conference of the Parties adopted, in decision MC-1/9, a road map for establishing arrangements for providing the Conference of the Parties with comparable monitoring data, and elements of an effectiveness evaluation framework under article 22 of the Minamata Convention on Mercury, set out in annex I to the decision. The road map included a face-to-face meeting of an ad hoc group of experts with the aim of preparing a draft report including an outline, a plan and elements of the effectiveness evaluation framework.

2. The ad hoc group of experts was established in accordance with the terms of reference set out in annex II to decision MC-1/9 and met in Ottawa from 5 to 9 March 2018. Its recommendations are set out in the annex to the present note. The report on the work of the ad hoc group of experts on effectiveness evaluation is set out in document UNEP/MC/COP.2/INF/8.

3. As was established in the road map, the draft report on the work of the group was made available by the secretariat on the website of the Minamata Convention from May 2018 for comment. A number of parties and other entities submitted comments, which are set out in document UNEP/MC/COP.2/INF/8. The report was revised and finalized on the basis of those comments. Some of the comments, however, require further discussion by the group, with guidance from the Conference of the Parties, and could therefore not be reflected in the report. Those comments include the following:

(a) One party stated that the ad hoc group should revise the draft report to better align it with the scope of the mandate as set out in annex II to decision MC-1/9. The party suggested as examples of instances where the group had not adhered to its mandate the lack of review of other multilateral environmental agreement effectiveness evaluation frameworks outside of that of the Stockholm Convention on Persistent Organic Pollutants and the lack of a detailed assessment of how information from existing monitoring programmes could be integrated into the effectiveness evaluation.

(b) Concern was raised regarding the proposal for developing a global monitoring plan, given that article 22 of the Convention provides that effectiveness evaluation is to be conducted on the

* UNEP/MC/COP.2/1.

basis of available information. It was noted that the Minamata Convention does not require parties to conduct monitoring or call for the development of a monitoring report.

(c) Several comments were made about the group's conclusion that monitoring data should be gathered on levels of mercury in air, biota and humans (hair and cord blood), suggesting the need for further consideration of other matrices for collecting data.

(d) One party recommended in its submission that a "global mercury monitoring technical guide" be developed to facilitate the collection of comparable data. Other comments pointed out the need for capacity-building and for cooperation with civil society.

(e) Concern was expressed that the ad hoc group of experts had not provided options for potential approaches to conducting the effectiveness evaluation, but had developed one approach extensively, including proposing article-by-article performance indicators.

(f) With regard to sources of information for the effectiveness evaluation, one party stated that the effectiveness evaluation should be based on what the parties submitted to the secretariat in accordance with the requirements of the Convention, and proposed the deletion of references to other information sources from the monitoring framework and the list of potential indicators. Other commenters, however, supported the use of other information sources, including various project reports.

(g) One party observed that the draft report included a number of assertions without clarification of how the ad hoc group had reached its conclusions or the provision of supporting scientific evidence, including citations to scientific papers and reports, to support judgements contained therein. It suggested that the absence of such clarification or supporting evidence undermined the parties' ability to understand the context of its suggestions.

Suggested action by the Conference of the Parties

4. The Conference of the Parties may wish to consider the recommendations of the ad hoc group of experts, as well as the submissions by parties and other entities regarding the group's report. The Conference of the Parties may wish to request the ad hoc group of experts to continue its work and review its recommendations, taking into account the discussions on the matter and the guidance provided by the Conference of the Parties at its second meeting, as well as other issues and concerns that might be raised at the meeting, and to submit a report further elaborating the proposed arrangements on comparable monitoring data and elements of an effectiveness evaluation framework for consideration by the Conference of the Parties at its third meeting.

Annex

Recommendations of the expert group in relation to monitoring

Recommendations on arrangements on monitoring data

Outline of the types of data that could be comparable on a global basis and of their availability, along with a draft plan integrating comparable results for future monitoring

1. The Conference of the Parties should:

- Establish relationships through the secretariat with bodies that manage existing information;
- Request experts to develop terms of reference for monitoring arrangements and for the implementation of the proposed plan;
- Make a recommendation to the Global Environment Facility (GEF)[1] on the need for support in the collection of essential data and facilitate sustainable input of monitoring information for effectiveness evaluation.

Review of information on existing monitoring programmes

2. The Conference of the Parties should request countries and organizations to continue providing information on their monitoring programmes to feed into discussions at the third meeting of the Conference of the Parties.

Assess to what extent the information reviewed meets the needs for monitoring set out in paragraph 2 of article 22 of the Minamata Convention on Mercury, and on that basis outline options to enhance the comparability and completeness of the information reviewed

3. The Conference of the Parties should develop a global monitoring plan that includes recommendations with regard to the gaps in available information which should be addressed to fully meet the information needs described in paragraph 2 of article 22.

Consideration of cost-effectiveness, practicality, feasibility and sustainability, global coverage, and regional capabilities in identifying opportunities for future enhancement of monitoring

4. The group concluded that for the requirements of article 22 of the Convention regarding monitoring data to be met, information should be gathered on levels of mercury in air, biota and humans. Cost-effective, practical, feasible and sustainable methods are available for all types of monitoring. For air, it is recommended that a combination of air sampling (both active and passive) and wet deposition, where feasible, be undertaken. For human biomonitoring, hair and cord blood meet all the criteria for inclusion in a global monitoring programme. For biota, the sampling methods might vary depending on the biome and the objective; however, sampling that meets all the considerations is possible. It was noted that, while global coverage of monitoring did not exist, the draft plan[2] included recommendations on how to address existing gaps in coverage. The technologies, analytical capacity and expertise needed to establish global monitoring are available. The group considered that steady progress could be made towards monitoring at the global level as additional programmes were established.

[1] Note that GEF appeared to be more relevant for funding that the Specific International Programme, although it is possible that an individual country might identify monitoring activities which are a strong national priority with arguments as to how the monitoring activities support sustainable implementation of its obligations under the Convention.

[2] See UNEP/MC/COP.2/INF/8 for further details of the draft plan.

Identification of available modelling capabilities to assess changes in global mercury levels within and across different media

5. The Conference of the Parties should:

- Encourage parties to endeavour to cooperate in developing and improving research to include modelling and to validate models, including addressing gaps in modelling such as those related to artisanal and small-scale gold mining (ASGM);
- Request organizations to work on the development, validation and further use of models, including intercompartmental modelling (such as on biota, air and humans, or air–water fluxes);
- Ensure the use of modelling to inform the development of the monitoring plan, as well as any future adjustment of the plan, and to develop information for the effectiveness evaluation.

Identification of sources of data that could be used for establishing a baseline

6. The Conference of the Parties should consider making arrangements for a formal process to establish the collection, management and publication of mercury data under the Minamata Convention for the purpose of facilitating effectiveness evaluation, and the need to establish a baseline for that process. Available sources of information, including the Global Mercury Assessment, should be considered in making such arrangements.

Identification of how monitoring activities might contribute to the development of the effectiveness evaluation framework

7. Recommendations on how information from monitoring, together with appropriate assessment of causality, might contribute to the evaluation of certain articles include:

Article	*Description of how global monitoring data (air, human, biota) could contribute to evaluation of the effectiveness of the Convention*
Article 1 – Objective	• Level of mercury in air, humans and biota • Attribution of levels of mercury in the environment and humans from anthropogenic emissions and releases estimated by modelling information
Article 7 – ASGM	• Mercury levels in humans • Mercury levels in fish and other biota downstream of ASGM activities • Mercury levels in ambient air
Article 8 – Emissions	• Mercury levels in ambient air • Mercury levels in biota for the consideration of local impacts and long-range transport
Article 9 – Releases	• Mercury levels in fish and other biota and humans
Article 12 – Contaminated sites	• Mercury levels in air, humans and biota
Article 16 – Health aspects	• Mercury levels in humans (tracks success in protecting vulnerable populations)
Article 18 – Public information, awareness and education	• Number of parties that have public information on mercury levels in air, humans and biota
Article 19 – Research, development and monitoring	• Number of parties that cooperate to develop and improve information available for inclusion in the global monitoring report (including through existing data sources)

Recommendations on elements of an effectiveness evaluation framework

8. The ad hoc expert group developed an initial list of indicators for the first effectiveness evaluation. Further work is needed to review the data limitations and baseline for those indicators, as well as to develop methods to analyse the article-by-article indicators for the overall effectiveness evaluation, and to consider the use of monitoring information in effectiveness evaluation.

9. The ad hoc expert group recommends a two-stage process and a schedule for the first effectiveness evaluation as follows. The Conference of the Parties should consider the proposal with a view to establishing an effectiveness evaluation framework at its third meeting.

➢ Stage 1: Information collection and compilation

- Article 21 reporting – secretariat to compile as part of the reporting cycle, including a set of descriptive statistics
- Other submissions to the secretariat (import consent, national action plans, emission inventory, exemption, voluntary national implementation plans, etc.)
- Global monitoring report[3]
- Report of the Implementation and Compliance Committee
- Report by GEF
- Report of the Specific International Programme
- Report of the Special Programme to support institutional strengthening at the national level for implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention and the Strategic Approach to International Chemicals Management
- Other relevant information including the Global Mercury Assessment, the United Nations Environment Programme supply, trade and demand report, voluntary submissions, reports of intergovernmental organizations (World Health Organization, International Labour Organization, United Nations Development Programme, Arctic Monitoring and Assessment Programme, United Nations Industrial Development Organization, etc.), Minamata Convention initial assessments, Global Mercury Partnership, project reports, United Nations trade data, scientific literature, among others.

➢ Stage 2: information synthesis and evaluation

- The secretariat prepares a preliminary report using the information from stage 1. The preliminary report includes a compilation of the various information and data available to facilitate the evaluation of the Convention.
- The effectiveness evaluation committee will review and assess the information compiled by the secretariat.
- The Committee draws conclusions as to the effectiveness of the Convention, and make recommendations to the Conference of the Parties on any improvements that might be warranted.

[3] The report of the ad hoc expert group includes a proposal to develop a global monitoring report for the effectiveness evaluation (see UNEP/MC/COP.2/INF/8).

Proposed schedule for the first effectiveness evaluation

Year	*Available information*	*Monitoring data*	*Effectiveness evaluation*
2017 – entry into force, first meeting of the Conference of the Parties			
2018 – second meeting of the Conference of the Parties	• Global Mercury Assessment • Most Minamata Convention initial assessments completed	• Conference of the Parties considers results of intersessional work and how to address gaps and organize future monitoring, including organizational arrangements	• Conference of the Parties considers result of intersessional work and considers how to establish effectiveness evaluation framework
2019 – third meeting of the Conference of the Parties	• Article 21 reporting: first biennial short report by 31 December	• Approve monitoring arrangements, including timeline for submission of data	• Effectiveness evaluation framework adopted • Effectiveness evaluation committee members nominated
2020	• First national action plans on ASGM start to be submitted • Submission on release source categories		
2021 – fourth meeting of the Conference of the Parties	• Article 21 reporting: first full report by 31 December	• Conference of the Parties initiates the first monitoring report, which will feed into effectiveness evaluation	• All stage 1 reports to be submitted to the secretariat (except for global monitoring report)
2022	• Article 21 national reports compiled • Emissions/release inventories start to be submitted	• Prepare monitoring report and submission to the Committee to feed into effectiveness evaluation report – to address para. 2 of Article 22 in facilitating the evaluation	• June: stage 1 completed • December: secretariat to develop preliminary analysis • Committee meets to review the information
2023 – fifth meeting of the Conference of the Parties	• Biennial report • National action plan review	• Conference of the Parties welcomes monitoring report	• Conference of the Parties welcomes effectiveness evaluation report

10. The terms of reference of an effectiveness evaluation committee, as proposed in the report on the work of the ad hoc group of experts on effectiveness evaluation (see UNEP/MC/COP.2/INF/8), should be included in the effectiveness evaluation framework.